IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 19TH OCTOBER 2007 / 27TH ASWINA 1929

WP(C).No. 23260 of 2007(R)

PETITIONER:

PRASANTH.G., "PRASANTHI" XXVI/75,
SANTHI NAGAR, THEKKUMBHAGAM, THRIPUNITHURA,
COCHIN.

BY ADV. SRI.K.MOHAN
SRI.S.SOMAN
SRI.G.JAYANANDA PAI

RESPONDENTS:

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1. THE SUB INSPECTOR OF POLICE,
HILL PALACE POLICE STATION,
THRIPUNITHURA.

2. THE MANAGER,
ICICI BANK LIMITED,
M.G.ROAD, ERNAKULAM.

3. SECRETARY TO HOME AFFAIRS,
GOVT. OF KERALA SECRETARIAT,
THIRUVANANTHAPURAM.
REPRESENTED BY THE GOVT.PLEADER,
HIGH COURT OF KERALA.

BY DIRECTOR GENERAL OF PROSECUTION SRI.P.G. THAMPI &
BY G.P. SRI.GIKKU JACOB.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R. BASANT, J.

W.P.(c) No. 23260 OF 2007-R

Dated this the 19th day of October, 2007

JUDGMENT

The grievance of the petitioner was that no action has been taken or crime registered on Ext.P3 statement of his recorded by the police. After hearing both sides, a direction was issued on 5/10/07 by this Court to the police to register a crime.

2. It is now reported that a crime has been registered. On ascertaining details it is seen that the crime was initially registered under Sec.323 of the IPC only. Called upon to explain, the officer who is personally present and the learned Director General of Prosecutions, who has chosen to appear in this case, now submits that it was an inadvertent omission/error on the part of the officer to have registered the crime only under Sec.323 of the IPC and that on realising the mistake, necessary report has already been submitted to the

learned Magistrate to include the cognizable offences alleged also. The learned D.G.P. submits that the officer is one who has only one year's experience as a police officer and, in these circumstances, a lenient view may be taken and the said omission/inadequacy may not be further pursued.

3. I accept the submissions of the learned D.G.P. I take note that the F.I.R. has already been registered. I am satisfied that no further directions are necessary in this matter now.

4. This writ petition is accordingly dismissed after making note of the above events which have taken place after the filing of the writ petition.

Sd/-

(R. BASANT, JUDGE)

Nan/

//true copy//

P.S. to Judge

R. BASANT, J.

W.P.(c) No. 23260 OF 2007-R

Dated this the 5th day of October, 2007

ORDER

The petitioner has come to this Court with a grievance that no crime has been registered on the basis of Ext.P3 statement lodged before the Hill Palace Police Station by the petitioner. Notice was given. A statement has been filed that Ext.P3 statement was given by the petitioner before the police is not disputed. The short contention is that Ext.P3 does not reveal any cognizable offence. I have been taken through the averments and allegations in Ext.P3. The stand taken by the respondents that Ext.P3 does not reveal the commission of a cognizable offence is totally unsustainable. It clearly shows that there was physical assault against the petitioner by the persons who attempted to take the law into their own hands and reduced the possession of the vehicle from that of the petitioner.

2. There shall be a direction that a crime shall be

registered on the basis of Ext.P3 and appropriate steps taken for the investigation of the crime. Necessary action shall be taken within a period of 7 days from this date and the action taken shall be reported to this Court on the next date of posting. Call on 12/10/07.

3. Hand over a copy of this order to the learned Public Prosecutor.

(R. BASANT, JUDGE)

Nan/